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8 *Attorneys for High Noon at Arlington Ranch*
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 THE BANK OF NEW YORK MELLON FKA THE)
BAN OF NEW YORK AS TRUSTEE FOR THE)
13 CERTIFICATEHOLDERS OF THE CWALT, INC.,)
ALTERNATIVE LOAN TRUST 2005-44,)
14 MORTGAGE PASS-THROUGH CERTIFICATES,)
SERIES 2005-44,)

15 Plaintiff,)

16 vs.)

17 HIGH NOON AT ARLINGTON RANCH)
HOMEOWNER'S ASSOCIATION; and SFR)
18 INVESTMENTS POOL 1, LLC,)

19 Defendants.)

20 SFR INVESTMENTS POOL 1, LLC,)

21 Counter/Cross-Claimant,)

22 vs.)

23 THE BANK OF NEW YORK MELLON FKA THE)
BAN OF NEW YORK AS TRUSTEE FOR THE)
24 CERTIFICATEHOLDERS OF THE CWALT, INC.,)
ALTERNATIVE LOAN TRUST 2005-44,)
25 MORTGAGE PASS-THROUGH CERTIFICATES,)
SERIES 2005-44; and LES TAYLOR, an individual,)

26 Counter/Cross-Defendant.)
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Case No.: 2:17-CV-00332-GMN-GWF

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT
PREJUDICE**

Plaintiff The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for the Certificateholders CWALT, Inc., Alternative Loan Trust 2005-44, Mortgage Pass-Through Certificates, Series 2005-44 (“BNYM”), by and through its attorney of record Ariel L. Stern, Esq. and Tenesa Powell, Esq., with the law office of AKERMAN LLP and Defendant High Noon at Arlington Ranch Homeowners Association (“HOA”) by and through its attorneys Robert S. Larsen, Esq, and Brian K. Walters, Esq., with the law office of GORDON REES SCULLY MANSUKHANI, LLP, hereby stipulate and agree as follows:

1. On February 2, 2017, BNYM filed a complaint in which it asserted causes of action against HOA for Quiet Title/ Declaratory Judgment; Breach of NRS 116; and Wrongful Foreclosure [ECF No. 1];

2. On April 24, 2019, BNYM filed a Motion for Summary Judgment [ECF No. 43];

3. On April 24, 2019, HOA filed a Motion for Summary Judgment [ECF No. 44];

4. BNYM and HOA now stipulate and agree as follows:

a. BNYM hereby dismisses its Complaint [ECF No. 1] and all causes of action alleged against HOA therein against HOA without prejudice;

b. HOA contends that BNYM’s causes of action for Breach of NRS 116 and Wrongful Foreclosure are time barred [ECF No. 44]; BNYM contends that said causes of action were timely;

c. HOA agrees that any applicable statutes of limitation and/or repose related to BNYM's causes of action for Breach of NRS 116 and Wrongful Foreclosure are tolled to the extent said causes of action were previously filed within the applicable statute of limitations and/or repose. This stipulation is not to be construed in any way as a renewal of any claims that were or are already time barred;

d. HOA agrees to be bound by the judgment of the Court as it relates to BNYM’s cause of action for Quiet Title/ Declaratory Judgment.

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1 5. This stipulation is intended to resolve all of the claims between BNYM and HOA
2 without prejudice. Each party agrees to bear its own fees and costs incurred in this matter.

3 **IT IS SO STIPULATED.**

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5 DATED this 10th day of June, 2019.

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7 AKERMAN, LLP

8 /s/ *Tenesa S. Powell*
9 Ariel E. Stern, Esq.
10 Nevada Bar No. 8276
11 Tenesa S. Powell, Esq.
12 Nevada Bar No. 12488
13 1635 Village Center Circle, Suite 200
14 Las Vegas, NV 89134
15 Attorneys for Plaintiff

 DATED this 10th day of June, 2019

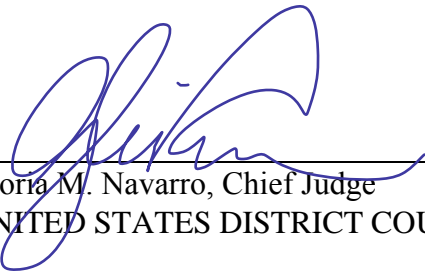
 GORDON REES SCULLY
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 /s/ *Brian K. Walters*
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 Homeowners Association

16 **ORDER**

17 **IT IS SO ORDERED.**

18 DATED this 20 day of June, 2019.

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20 Gloria M. Navarro, Chief Judge
21 UNITED STATES DISTRICT COURT
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